

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

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November 30, 2001

Senator Ellis:

Proposed s. 11.12 (6) (c), which imposes a waiting period of up to 21 days before certain contributions may be transferred or accepted or before certain disbursements may be made or obligations to make disbursements may be incurred, is an innovative provision, and we do not yet have, to our knowledge, specific guidance from the U.S. Supreme Court concerning the enforceability of a provision of this type. It is well possible that a court may find a rational basis for this provision that would permit it to be upheld. However, because of the concerns expressed by the U.S. Supreme Court in *Buckley v. Valeo, et al.*, 96 S. Ct. 612 (1976), and certain other cases that attempts to regulate campaign financing activities may, in some instances, impermissibly intrude upon freedom of speech or association, or equal protection guarantees, it is possible that enforceability problems with this provision may occur.

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